

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,

*Plaintiffs,*

v.

DALE FOLWELL, in his official capacity as  
State Treasurer of North Carolina, *et al.*,

*Defendants.*

Case No. 1:19-cv-00272-LCB-LPA

**PLAINTIFFS' MOTION TO EXCLUDE EXPERT  
TESTIMONY OF DR. PATRICK W. LAPPERT**

Pursuant to Federal Rules of Civil Procedure 26 and Federal Rules of Evidence 104, 403, and 702, and for the reasons set forth in the accompanying memorandum of law, Plaintiffs respectfully move this Court to exclude the expert testimony of Dr. Patrick W. Lappert, a disclosed expert of Defendants Dale Folwell, Dee Jones, and the North Carolina State Health Plan for Teachers and State Employees. A supporting memorandum of law is filed contemporaneously herewith.

Dated this 2nd of February, 2022.

/s/ Amy E. Richardson

Amy E. Richardson  
(N.C. Bar No. 28768)  
Lauren E. Snyder  
(N.C. Bar No. 54150)  
HARRIS, WILTSHIRE & GRANNIS LLP  
1033 Wade Avenue, Suite 100  
Raleigh, NC 27605-1155  
Phone: 919-429-7386 | Fax: 202-730-1301  
arichardson@hwglaw.com

Deepika H. Ravi\*  
HARRIS, WILTSHIRE & GRANNIS LLP  
1919 M Street N.W., 8th Floor,  
Washington, D.C. 20036  
Phone: 202-730-1300 | Fax: 202-730-1301  
dravi@hwglaw.com

Michael W. Weaver\*  
Adam M. Safer\*  
McDERMOTT WILL & EMERY  
444 W. Lake St., Suite 4000  
Chicago, IL 60606  
Phone: 312-984-5820 | Fax: 312-984-7700  
mweaver@mwe.com

Lauren H. Evans\*  
McDERMOTT WILL & EMERY  
500 N. Capitol St., NW  
Washington, D.C. 20001  
Phone: 202-756-8864 | Fax: 202-591-2900  
levans@mwe.com

Respectfully submitted,

/s/ Dmitriy Tishyevich

Dmitriy Tishyevich\*  
Warren Haskel\*  
McDERMOTT WILL & EMERY LLP  
One Vanderbilt Avenue  
New York, NY 10017-3852  
Phone: 212-547-5534  
Fax: 646-417-7668  
dtishyevich@mwe.com

Tara Borelli\*  
Carl S. Charles\*  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
1 West Court Square, Ste. 105  
Decatur, GA 30030  
Telephone: 404-897-1880  
Facsimile: 404-506-9320  
tborelli@lambdalegal.org

Omar Gonzalez-Pagan\*  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
120 Wall Street, 19th Floor  
New York, NY 10005  
Telephone: 212-809-8585  
Facsimile: 212-809-0055  
ogonzalez-pagan@lambdalegal.org

David Brown\*  
TRANSGENDER LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
520 8th Ave, Ste. 2204  
New York, NY 10018  
Telephone: 646-993-1680  
Facsimile: 646-993-1686  
dbrown@transgenderlegal.org

*Counsel for Plaintiffs*

\* Appearing by special appearance pursuant to L.R. 83.1(d).

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users.

Dated: February 2, 2022

/s/ Dmitriy Tishyevich  
Dmitriy Tishyevich  
McDERMOTT WILL & EMERY LLP  
One Vanderbilt Avenue  
New York, NY 10017-3852  
Phone: 212-547-5534  
Fax: 646-417-7668  
dtishyevich@mwe.com